



## **Lettings Policy**

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**Approved by Link Group Board**

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## 1. INTRODUCTION

Link is committed to providing good quality, affordable rented accommodation for people in housing need. We want to maximise opportunities for access to housing and allow applicants to make informed choices. We operate a choice based lettings system in all our areas of operation, except the Highland area, where we allocate via the common housing register. Choice based letting is where we advertise vacant properties and applicants, who are registered with us, apply for the ones they want.

We keep the process as straightforward and as easy to understand as possible and provide information and advice so that applicants can make informed choices. We are aware of the impact of Welfare Reform on our tenants and this policy also aims to enable existing tenants to use the choice based lettings system for transfers to other Link properties; in order to satisfy housing need, reduce under-occupancy, promote mobility and social inclusion and make best use of our housing stock.

Link Group Ltd (“Link”) has delegated the responsibility for managing the lettings process to Link Housing Association (“LHA”). We have properties in 22 different local authorities (LA), with the majority in Falkirk, Edinburgh, North Lanarkshire and Renfrewshire council areas. Due to the wide geographic area, we let our properties through six methods:

- a. Homehunt Scotland – choice based lettings
- b. EdIndex – common housing register and choice based letting system for properties in Edinburgh
- c. Highland Housing Register – for the Highlands area
- d. Inverclyde Common Housing Register – for the Inverclyde area
- e. Via local authority waiting lists – for Midlothian and Fife
- f. Through agreed nomination or referral arrangements with local authorities

Operation of the Homehunt Scotland system is detailed in Appendix 2.

This policy does not stand in isolation and draws on and complements the following policies and strategies:

- Equality and Diversity Policy
- Tenancy Sustainment Strategy
- Anti-social Behaviour Policy
- Financial Inclusion Strategy
- Link Group Sustainability Strategy

This policy is concerned with the letting of social rented properties. Link also has access to other affordable housing tenures – shared ownership, shared equity and intermediate rent. These alternative tenures are publicised and made available to those who meet their specific needs criteria.



A list of all the appendices that accompany this policy is provided in the Contents section at the start of the document and a list of definitions and explanations of terms is given in Appendix 1. 5

## **2. AIMS AND OBJECTIVES**

The principal aim of this lettings policy is to comply with housing law and good practice and ensure the allocation of satisfactory housing to those with a clear and identifiable need at rents they can afford. In formulating this policy we have taken into account guidelines issued by the Scottish Housing Regulator and the Scottish Government. This does not include any of the recommendations being proposed for the new Housing Act 2014. Current relevant legislation includes the:

- a) Housing (Scotland) Act 1987 (as amended)
- b) Scotland Act 1998
- c) Data Protection Act 1998
- d) Equality Act 2010

### **2.1 The Scottish Social Housing Charter**

There are four outcomes in the Scottish Social Housing Charter that are specific to allocations:

#### **Outcomes 7, 8 and 9 Housing Options**

Social landlords work together to ensure that:

- people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them.
- tenants and people on housing lists can review their options.

Social landlords ensure that:

- people at risk of losing their homes get advice on preventing homelessness<sup>1</sup>.

#### **Outcome 10 Access to Social Housing**

Social landlords ensure that:

- people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospect of being housed<sup>2</sup>.

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<sup>1</sup> Page 8, The Scottish Social Housing Charter, Scottish Government, March 2012

<sup>2</sup> Page 8, The Scottish Social Housing Charter, Scottish Government, March 2012



## **2.2 Scottish Housing Allocations: A Practice Guide**

In March 2011, the Scottish Government published an online practice guide for social housing allocations. This is a detailed reference document with practice examples. It gives guidance on the legal framework for allocating social housing and the flexibilities landlords have:

As landlords you have to make sure that you comply with legislation, be able to demonstrate your actions are based on sound analysis of your local context and have in place robust 6 monitoring arrangements. Your allocations policy must be accessible and transparent so that applicants understand how they can access your housing<sup>3</sup>.

### **2.3 In the context of legislation, guidance and the Scottish Social Housing Charter the objectives of the policy are that:**

- a. People have fair and open access to our housing registers
- b. Priority is given to those applicants in greatest need based on the reasonable preference groups defined in Section 20 of the Housing (Scotland) Act 1987 (as amended)
- c. Our properties are allocated in a transparent and consistent manner that does not discriminate or exclude people
- d. We recognise the needs of both the individual and the communities in which we work
- e. We contribute to achieving stable and balanced communities
- f. We make best use of our housing stock
- g. We report regularly on outcomes against our objectives

## **3. GENERAL PRINCIPLES**

We will apply the following principles to all our allocations:

### **3.1 Open access**

We will maintain open registers, therefore anyone aged 16 or older can apply to be registered for housing. No minimum period of residence is required and no restriction is placed on acceptance of applications due to ability to pay or property ownership. (It should be noted, however, that the right to be admitted to the housing list differs from the right to be allocated a property).

### **3.2 Housing Options Advice**

We will provide advice and information to assist applicants in making realistic choices to resolve their housing situation. Other housing options may be suggested to

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<sup>3</sup> Page 2, Social Housing Allocations: A Practice Guide



applicants, where appropriate, in order to assist applicants in finding other solutions to their housing needs and aspirations, for example, shared ownership, intermediate rent, mutual exchange.

We will attempt to identify applicants who are vulnerable and occupying inappropriate accommodation and provide them with advice and assistance. Where possible we will proactively identify solutions to address their needs and source support to help future tenants sustain their tenancies.

### **3.3 Housing Need**

Each applicant's housing need will be assessed according to their individual circumstances and prioritised accordingly. With a few exceptions, the demand for housing is in excess of the available properties to let. Each application is therefore assessed with reference to housing need and a priority pass or award given if appropriate.

Application forms are available from our office by telephoning, email, letter or by download from our website. For those wishing to be housed in Edinburgh, forms are available from Link, the City of Edinburgh Council or any registered social landlord in Edinburgh. Applicants will be supported and encouraged to apply for priority passes

We shall allocate in a way that gives reasonable preference to those in greatest housing need, makes best use of the available stock and helps to sustain communities.

### **3.4 Equality and Diversity**

We will not knowingly discriminate against anyone. We undertake to provide clear information about vacant properties in formats which people can access using their preferred medium. For example, a variety of visual and audio methods and free access to translation services can be used to provide information in different languages and formats. We can provide translation and interpretation services on request, but will proactively provide translations where deemed appropriate. Staff are also available to assist applicants, when requested, with the completion of housing application forms.

We have undertaken an Equality Assessment (EA) of this Lettings Policy in order to review and address any equality issues relating to the policy.

It is our intention, where possible, to ensure that the overall percentage of tenants from equality or minority groups reflects the overall percentage of equality or minority members in the area of operation. We will monitor our allocations to ensure that nothing in this policy leads to unfair discrimination.



### **3.5 Board Members and Staff**

We shall continue to apply the requirements set out in the former Part 1 of Schedule 7 of the Housing (Scotland) Act 2001 to current staff, former staff, board members or their relatives. The person concerned must fully meet the lettings criteria. Current staff, former staff and board members who apply or who are related to a person who applies will take no part in the processing or awarding of passes to the applicant or in

recommending a letting to LHA Board. All their applications, including transfers and mutual exchanges, must be approved by LHA board to ensure that allocation was made strictly in accordance with our policy. The property will be held vacant pending the decision.

### **3.6 Sustainable Communities**

It is our intention to create and maintain balanced communities that people want to move into and stay in. A suitable and sustainable let is one where there is a good probability of it providing a long term and stable solution for that applicant and the community. We want to balance a range of factors:

- a) The individual's housing need
- b) The suitability of the house for that applicant
- c) The needs of the community

To try and achieve this aim we will avoid over concentrating any particular group in any particular area. We may consider lettings plans or sensitive lets for any property or group of properties in any area at any time, dependent on circumstances. 8

## **4. ASSESSMENT OF APPLICATIONS**

In accordance with the reasonable preference categories as set out in Section 20 of the Housing (Scotland) Act 1987 (as amended), we will take account of and give reasonable preference to the following groups:

- a) **“occupying houses which do not meet tolerable standard”**

The legal definition of tolerable standard is set out in Section 86 of the Housing (Scotland) Act 1987 (as amended). (See Appendix 1 – Definitions)

- b) **“occupying overcrowded houses”**

The legal definition of overcrowding is described in Housing (Scotland) Act 1987 (as amended).



**c) “have large families”**

A household which requires a property with 4 bedrooms or more is considered by Link as a ‘large family’. Such households will be assessed for overcrowding points or priority in accordance with our lettings policy. We may, in exceptional circumstances consider such households for properties out with the usual house size eligibility, due to the shortage of large properties.

**d) “living under unsatisfactory housing conditions”**

Following consultation with Link tenants and applicants we define unsatisfactory housing conditions as:

*“Living in housing conditions which are detrimental to at least one of the following:*

- *wellbeing*
- *affordability*
- *dignity*
- *independence”*

As such unsatisfactory housing conditions will include:

- Under-occupation
- Living with an extended family member who does not form part of the household
- Property in poor state of repair
- Sharing amenities
- Need to be in a community
- Medical conditions

Applicants who fall into this category will be given a pass which reflects their priority.

**e) “homeless or threatened with homelessness”**

This is defined by Part II of the Housing (Scotland) Act 1987 (as amended) and priority will be given in accordance with the act.

**4.1 Factors which will not be taken account of when assessing applications**

In accordance with Section 20 (2) of the Housing (Scotland) Act 1987 (as amended) and Housing (Scotland) Act 2001 we will not take into account the following factors in our assessments:

**1. Residency**

We will not take into account an applicant’s length of residence in an area.



## **2. Age**

We will consider any applicant who is 16 years or over, and will not take account of an applicant's age in the allocation of housing. Exceptions apply, however, where a property has been designed or substantially adapted for occupation by persons of a particular age group.

## **3. Outstanding Liabilities / Debts**

We will not take account of outstanding liabilities where the

- a) Debt (including council tax arrears) does not relate to the tenancy of a house
- b) Debt is attributable to the tenancy of a house of which the applicant was not the tenant
- c) Debt is no longer outstanding
- d) Outstanding amount is no more than one month's charges
- e) Applicant has come to a reasonable arrangement for paying arrears, has kept to
- f) the arrangement for at least 3 months and is continuing to make the payments

## **4. Income**

We will not take into account an applicant's income or source of income.

## **5. Ownership of Property**

We will not take into account whether an applicant owns or has owned their own property.

### **4.2 Exclusions from the Housing List**

Applicants and registrants will be removed from our lists in the following circumstances:

- I. The applicant or registrant has requested removal, in writing
- II. The death of the applicant or registrant
- III. Following two review letters, the failure of the applicant or registrant to confirm his /her interest in remaining on the lists

(See Appendix 3 – Suspensions and Cancellations)



### **4.3 Suspension from Housing Lists**

In line with the Housing (Scotland) Act 1987 (as amended) we will not suspend applicants from our housing lists. We may, however, suspend them from receiving an offer of housing under certain circumstances. The Suspension Criteria in Appendix 3 shows the reasons why applicants or registrants may be suspended from consideration for allocations or from eligibility to apply for advertised vacancies and for how long.

### **4.4 Reviewing the Housing List**

Our waiting list will be reviewed on an annual basis on the anniversary of the date of registration to ensure that our records are kept up to date and the applicant's wishes to remain on our housing list.

### **4.5 Cancelling applications from the Housing List**

We reserve the right to cancel applications and remove the applicant from the register if they fail to respond to the annual review letters or at the request of the applicants. Where we have decided to cancel an application we shall attempt to advise the applicant and explain the reason. The applicant may appeal using the complaints handling procedure (CHP) set out in section 12.

We will keep a register of cancelled applications for a period of 12 months.

Where a tenancy is given and we establish that false or misleading information was provided, we will take legal action to recover the tenancy.

## **5. ALLOCATION OF PROPERTIES**

Applicants will be assessed taking into account the factors set out in section 4 and where appropriate will be awarded a priority pass which reflects their housing needs and circumstances. Appendix 4 gives details of the how passes are awarded with Homehunt Scotland and how they align to the reasonable preference groups and Appendix 2 describes when we operate the Homehunt Scotland choice based lettings system and when lettings are made out with Homehunt Scotland. The following principles, however, apply to allocations in all areas:

### **5.1 References**

Personal references will not be requested, however, current and/or former landlords may be contacted to confirm factual information about the tenancy had been conducted and the arrears position. Permission to obtain a reference will always be obtained before contacting landlords. In the event that this leads to suspension of the application, the applicant will be advised in writing for the reasons for this and what they require to do. For example, make payments to arrears.



## 5.2 Home Visits

Home visits will be carried out to all applicants who are being considered on a shortlist for a vacancy. The purpose is to verify circumstances and to review the relative priority of those on the short list.

We aim to achieve a suitable and sustainable let, where there is a good probability of it providing a long term and stable solution for the applicant. Where there are clear indications from an official source, or it is the considered opinion of our staff that an applicant would not be able to sustain a tenancy successfully, attempts will be made to source support for the applicant prior to offer. If this is not available or the applicant does not wish to engage in support, the long term interests of the tenant and the stability of the community will be taken into account and consideration given to bypassing or refusing the application. (This does not apply to applicants formally referred to us via Section 5 of the Housing (Scotland) Act 2001).

The applicant will be sent a letter advising of the reasons for the bypass. Any bypasses must be approved by the Housing Services Co-ordinator for each area office. All bypasses will be recorded and a sample audit of 10% will be carried out by the Housing Services Manager and be reported to the Link Housing Association's board on a quarterly basis.

Priority passes are awarded for both internal and external applicants based on information supplied at time of application. The circumstances of the applicants will be verified at visit stage as circumstances may have changed and this will be taken in to account prior to any allocation. It may be that an applicant's priority may be changed or removed if the original award of priority was incorrect or circumstances have changed. This may also be the case if an applicant's needs at the point of allocation cannot be met by the property or services that we can offer, for example, sheltered housing.

In exceptional circumstances, an applicant may also be bypassed where he / she has had a previous tenancy with Link or was a member of a former tenant's household whose actions or behaviour contributed to the tenancy being conducted in an unsatisfactory manner – including serious anti-social behaviour issues involving police, abandonment of the property, damage to Link property, abusive or threatening behaviour towards staff, arrears or using the house for immoral / illegal purposes.

Applicants will be told in writing or verbally the reasons why an offer of tenancy will not be made and the steps they must take before bidding for future vacant properties. For example, in the case of arrears and rechargeable repairs, a repayment schedule can be agreed and the applicants can bid for properties, once repayment schedules have been adhered to for three months or more.



### **5.3 Sex Offenders**

We will collaborate with the designated Local Authority Sex Offender Liaison Officers, Police and Social Services on any risk assessment and action plan for known sex

offenders looking for housing. An allocation will only be made if the assessment team agrees that the property and area are considered suitable and appropriate.

### **5.4 Confidentiality**

We will treat all personal information as completely confidential and use it only for the purpose of operating our lettings policy. We will obtain or pass on information only in accordance with the declaration signed by applicants as part of the registration process or with the applicant's consent, or if we are required to do so by law or by our regulators.

### **5.5 House Size Eligibility**

We want to make best use of our housing stock and ensure that the tenancy is sustainable and affordable and meets the household's needs. The following criteria will apply:

Single applicants and couples, including same sex couples will be entitled to one double bedroom; other adults in the household should have their own bedroom; children should have their own bedroom unless they are same sex and under 13 years old or mixed sex and under 8 years old.

Applicants will be considered for one extra bedroom where:

- a) There is residential access to children at least 3 nights a week or equivalent
- b) An overnight carer is required
- c) There is another medical reason (for example couples who require separate bedrooms for health reasons; those who require extra room for storage of medical equipment; children who normally would be expected to share but require their own bedroom for a medical reason)
- d) They are a registered foster carer who requires an extra bedroom/s to accommodate foster children

Supporting evidence/verification will be required for all the case stated above. Where an allocation is made and will result in under-occupancy as defined by the Department of Work and Pensions, information on under-occupancy and the implication on housing benefit will be provided to the tenant before the offer of tenancy and a disclaimer signed by the tenant to confirm that they have been provided with the correct advice and they understand they require to pay the full rent irrespective of the amount received in Universal Credit/Housing Benefit.



There may be circumstances, particularly in light of welfare reforms, where an applicant makes an informed decision to occupy the property to the standard laid down by the Department of Work and Pensions. Link will give the applicant the option to do this as long as this does not result in the legal overcrowding of the property.

## **5.6 Ex-Service Personnel**

We recognise the challenges faced by people leaving or being discharged from the armed forces, and will be guided by the recommendations in the Scottish

Government's "Social Housing Allocations: A Practice Guide" and will ensure that when we assess applications from ex service personnel we will:

- Award the same level of priority to ex-service personnel as those with a similar level of housing need
- Give consideration to injured ex-service personnel who require adapted housing as a result of their injury/disability
- Not impose residency or local connection criteria which may disadvantage ex-service personnel from fair and equal access to housing
- Be mindful of and supportive to the needs of ex-service personnel and their widows/widowers/civil partners in relation to individuals whose spouse/civil partner is killed in action or dies before discharge date
- Liaise with other bodies where appropriate e.g. Ministry of Defence or Service related charities

## **6. PROPERTIES NOT LET USING CHOICE BASED LETTING**

There are occasions when we will not advertise properties; these will generally be in the following circumstances:

- a) In order to decant tenants who are affected by major redevelopment projects
- b) Where we have nomination or referral arrangements with local authorities or special agencies
- c) Specially adapted properties may be let with assistance from other agencies if advertising does not lead to applications from households who would make full use of the facilities provided
- d) Where we need to accommodate tenants who need to move at short notice due to severe harassment or violence or other emergency. In these cases



properties already advertised may be withdrawn without notice to other applicants, or vacancies not yet advertised may be used

- e) Where tenants choose to exchange properties with another social landlord. These are known as mutual exchanges (Appendix 5)
- f) Where a person succeeds to or is assigned a tenancy (Appendix 5)

## **7. MAKING BEST USE OF HOUSING STOCK**

We recognise the importance of making best use of our stock for our tenants and we aim to maximise the options available to release stock that can be used to meet applicants' needs from the reasonable preference groups or other urgent housing needs categories. We also aim to be as flexible as possible to meet our current tenants' needs. We will offer:

- a) Advice on ways to exchange properties with other tenants within and out with Link
- b) Give priority to our own tenants who wish to downsize over other preference groups
- c) Offer housing options advice to tenants who wish to move to other tenures
- d) To meet the applicants needs for accessibility via adaptations where possible

## **8. LETTINGS PLANS**

We will consider lettings plans or initiatives in certain circumstances which will be limited to specific geographic areas or neighbourhoods with the aim to establish and promote sustainable and settled communities.

We may use lettings plans or local letting initiatives for new build properties or in the following circumstances for current stock:

- a) To achieve a balanced and sustainable community
- b) Increasing incidence of anti-social behaviour – to reverse the trend
- c) Low demand – to stimulate demand
- e) High demand – to prioritise access for particular types of applicant, for example in rural communities where local people have problems accessing housing



- d) A lack of essential workers or where skills are in short supply
- f) Local connection to a community

Any local lettings initiative will be in consultation with the local community and the local authority. It will also be for an agreed period of time, have specific outcomes, be closely monitored and approved by the LHA Board. Any lettings plan will adhere to all the relevant legislation governing the allocation of houses.

## **9. SENSITIVE LETS**

Sensitive lets are exceptional and are for cases where, for social reasons, it is necessary to exercise discretion in tenant selection, for example where a previous tenant had caused major disruption and upset to neighbours. Rather than allocate to top of the list (i.e. to the person with the highest priority), we will consider the

suitability of the applicant for the vacancy, on the basis of the information we have about the applicant and the knowledge we have about the property, its location or the neighbours. The aim is to secure the social well being of the applicant and the cohesiveness of the local community and neighbourhood. Agreement to make a property a sensitive let will be made by the Housing Services Manager. Any sensitive let will adhere to all the relevant legislation governing the allocation of houses.

## **10. TRANSFERS**

We will encourage our tenants to apply for transfers where this would benefit their living conditions, particularly in light of legislative changes around benefit restrictions. Priority will be given dependent on reason for requiring a move. (Appendix 6)

We are aware that circumstances change throughout the length of a tenancy and we aim to take a proactive and sympathetic view; tenants who apply to transfer to smaller properties will be given top priority pass which reflects their circumstances. During the first year of the introduction of the under-occupancy charge, tenants, who meet certain criteria, who transfer or source a mutual exchange to downsize may be eligible for a relocation payment.

### **10.1 Management Transfers**

In exceptional circumstances, where a tenant requires to move in an emergency situation we will consider a management transfer to another property. In these circumstances a property may be withheld from advertising or pulled from an advert. Examples of where this would be appropriate include:

- Severe harassment, including racial and sexual harassment
- Severe violence including domestic violence



- Urgent medical reasons; for example, tenants can no longer manage stairs
- Major unplanned repairs

Management transfers must be approved by the Housing Services Manager.

## **11. PARTNERSHIP WORKING**

We are committed to working with local authorities and helping them achieve their targets for reducing homelessness.

## **12. COMPLAINTS AND APPEALS**

Link welcomes complaints and positive feedback, both of which provide information which help us to improve our services. We use a complaints handling procedure

(CHP) developed by the Scottish Public Services Ombudsman (SPSO) and the Scottish Housing Regulator.

The CHP allows for most complaints to be resolved by front line staff within a five day limit (first stage), or if the complaint is complex, a detailed investigation will be made by a manager within a 20 day limit (second stage). At the end of the second stage our response will be made by a Director. If the complainer remains dissatisfied he / she may then refer the matter to the SPSO.

The CHP may be used for complaints arising about our handling of enquiries, interviews and all other interactions with people wishing to register and bid for houses and to apply for awards of priority.

Any complaint or appeal regarding the processing of an application or the awarding or removal of priority will be dealt with, in the first instance, by a senior member of staff.

Full details of the CHP and how to complain are available on request or on our website. In Edinburgh, Inverclyde and Highland areas local common housing registers operate independently and have their own separate arrangements for receiving complaints or other feedback.

## **13. MONITORING, PERFORMANCE MEASUREMENT AND REPORTING**

The following areas will be subject to monitoring on a continuing basis:

- Quarterly monitoring of lets including percentage with a priority pass, percentage of lets to applicants who are statutorily homeless, percentage



transfers and percentage of refusals, bypassing, under-occupancy and any arrears accruing due to under-occupancy

- Annual monitoring to include the above and further information on equalities, suspensions, cancellations, applicant requirements, applicant bids, movement on the housing register and tenancy sustainment
- Number of complaints and outcomes

Each Board will in turn report to the Link Group Board as required.

An audit of policy compliance will be conducted as part of the internal audit programme. The results of the audit will be reported to the Audit Committee.

#### **14. POLICY AVAILABILITY**

This policy is available on the Link Group website, to the Board on the Link Group extranet and to staff on Filestream.

Copies are also available on request and free of charge from Link. A summary of this policy can be made available in a number of other languages and other forms if required.

#### **15. POLICY REVIEW**

Link undertakes to review this policy regularly with regard to:

- applicable legislation, rules, regulations and guidance
- changes in the organisation
- monitoring information
- continued best practice

#### **16. EQUALITY AND DIVERSITY**

The operation of this policy will always be in accordance with Link Group's Policy on Equality and Diversity. An Equality Assessment has been carried out.



## 17. APPENDIX 1 – DEFINITIONS/ TERMS

### **BTS – Below tolerable standard.**

- A description of properties which fail to meet minimum standards. A property will only meet the legal definition of tolerable standard if it:
  - is structurally stable;
  - is substantially free from rising or penetrating damp;
  - has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
  - has satisfactory thermal insulation;
  - has an adequate piped supply of wholesome water available within the house;
  - has a sink provided with a satisfactory supply of both hot and cold water within the house;
  - has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
  - has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
  - has an effective system for the drainage and disposal of foul and surface water;
  - in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installations for the purposes of that supply;
    1. "the electrical installation" is the electrical wiring and associated components and fittings, but excludes equipment and appliances;
    2. "the relevant requirements" are that the electrical installation is adequate and safe to use
  - has satisfactory facilities for the cooking of food within the house; and
  - has satisfactory access to all external doors and outbuildings.

If a property fails any one of the tests listed above it is BTS.

### **CBL – Choice based letting.**

Homehunt Scotland, which Link uses for many of its lettings, is an example of a CBL system. People wishing to access our properties register with Homehunt Scotland, which makes them eligible to apply for the tenancy of suitable vacant properties which we advertise, usually on a weekly basis, with a closing date for applications.



Once registered it is possible to apply for priority passes which, if granted, give priority according to personal circumstances.

After we have advertised a vacancy and reached the closing date we choose the tenant for the property from the list of people who have replied to the advert, which we refer to as bidding for the property. Some properties attract many bids, and the successful applicant will be one who has a higher level of priority and whose household will make best use of the property. When there are a number of people with similar priority and fitting the best use requirement we choose by the date of registration or we make further enquiries to identify the applicant with greatest housing need.

### **CHR – Common Housing Register.**

An increasing number of local authorities have developed common housing registers and a national register has been developed by a group of landlords specializing in sheltered housing for older people. EdIndex is an example of a CHR which is used by City of Edinburgh Council and a large number of housing associations operating in the city to let their vacant properties.

Usually the CHR allows people to register for consideration by any or all of the participating landlords by completing one common registration form. Enough information is collected to enable all the landlords to assess the priority of the applicant according to their own lettings policies.

EdIndex operates as a CBL system, advertising all vacant properties for the council and the other participating landlords together. EdIndex processes the responses so that each landlord is able to access the applications from those people who wish to be considered for that landlord's vacancies. Therefore when Link has vacancies in Edinburgh we receive lists from EdIndex of applicants who meet our lettings criteria.

### **Intermediate or mid market rent**

Properties provided for rent at levels above social rented rents but below the general level of rents charged by private landlords

### **RSL – Registered Social Landlord**

Describes landlords which have registered with the Scottish Housing Regulator (SHR). The SHR monitors the performance of RSLs and sets standards. It acts to protect tenants' interests and will ensure that RSLs meet the requirements of the Scottish Housing Charter. The SHR also monitors local authority Housing departments to these standards.

Within the Link Group of companies Link Group Ltd, Horizon Housing Association Ltd and Larkfield Housing Association Ltd are all RSLs.



## **Shared Equity**

A route into home ownership which provides mainly first time buyers with the opportunity to buy a property and pay typically 60 or 80% of the full price. The remainder is met by a grant from the Scottish Government conditional on the buyer giving a standard security on the property for the amount of the grant. If the property is sold the proceeds are divided proportionally between the owner and the holder of the security. That may be either the RSL, the developer or the Scottish Ministers. After the initial purchase the buyer may increase his / her equity share in a maximum of two stages to 100%.

## **Shared Ownership**

A scheme established in 1981 whereby the sharing owner buys a share of a property and pays an occupancy charge for the remaining share still owned by Link. The occupancy charge is calculated to approximate to social rent levels reduced in proportion to the share and further reduced to allow for additional costs borne by the sharing owner as if he / she owned the property outright. A sharing owner may buy additional shares, usually in multiples of 25%, and may reach 100% ownership.

## **SHQS – Scottish Housing Quality Standard**

This is the standard which all properties let by local authorities and Registered Social Landlords must meet by April 2015. These properties must meet the Tolerable Standard (i.e. the basic legal minimum standard described above – see BTS), and additionally:

- must be free from serious disrepair
- must be energy efficient
- must have modern facilities and services
- must be healthy, safe and secure.

## **18.APPENDIX 2 – HOMEHUNT SCOTLAND GENERAL DESCRIPTION**

### **General**

- Prospective tenants aged 16 or over register their interest by providing brief household information. They may also apply for priority passes depending on their circumstances. The scope of priority passes is explained in Appendix 2.
- Link undertakes to provide clear information about vacant properties in formats which people can access using their preferred medium from a variety of visual and audio methods. We shall also publish details of lettings, showing how many people apply for each vacancy and the priority level.



- Vacant properties will be advertised on a regular basis and a closing date for applications will be shown. Any person who has registered may choose to apply for advertised vacancies.
- The house will be let to the person who is top of the list of those who have applied by the closing date. Link identifies that person as being the one
  - (a) whose household will make best use of the house
  - (b) who holds the most urgent priority pass, if any

Link chooses between people at the same priority level on the basis of the date on which they registered.

### ***Restricted lettings***

- Advertisements of sheltered properties, or of other properties specifically designed or provided with services for a particular client group, will specify the nature of the accommodation and describe the client group which will be considered for lettings.
- Advertisements of properties of a type and in a locality where an approved lettings plan is in operation, will specify the nature of the accommodation and describe the household type or client group which will be considered for lettings.

After the closing date for applications in response to these two categories of advertisement there will be a second stage of assessment of the applicants to select for letting. If more than one applicant needs the particular facilities and services provided in sheltered accommodation, or if more than one applicant matches the requirements of the lettings plan, then normal Homehunt Scotland prioritisation will apply to those applicants, being highest level of pass, best use of rooms and time registered.

If no applicants need the special facilities or services provided with the property, nor match the requirements of the lettings plan, the property may be re-advertised, or withdrawn for letting out with Homehunt Scotland (see below).

### **Properties let not using the Homehunt Scotland system.**

See Part 6 of the policy.

### ***Letting to employees or Board members***

The following procedures must be followed in addition to the general description above

1. Link is permitted<sup>4</sup> to grant tenancies to employees or Board members<sup>5</sup> or to their close relatives<sup>6</sup>. Each letting to people in this category, described as “relevant persons” has to be approved individually by Link Group’s Audit Committee, a subcommittee of the

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<sup>4</sup> Housing (Scotland) Act 2001, Schedule 7, Part 1. Although that part of the 2001 Act was repealed in 2010 Link will continue to observe its requirements. It is anticipated that a model policy for controlling benefits to employees and board members of RSLs will be introduced during 2013. Guidance provided by SHR12, reproducing SHGN 2003/02. Scottish Housing Regulator April 2008.

<sup>5</sup> Or people who have been employees or Board members within the previous 12 months.

<sup>6</sup> Close relative and family member defined in detail in SHR12 / CSGN 2003/02, Annex B.



Group Board with specific delegated authority, in terms set out in Schedule 7 of the Housing (Scotland) Act 2001.

2. 2. Relevant persons wishing to register with Homehunt Scotland must declare their connection with Link. Link Housing Association officials must report such registrations to LHA Board.
3. LHA must take steps to ensure that the employee registering, or who is related to the relevant person registering, takes no part in processing that registration, applications for priority passes or responses to adverts submitted by the employee or the relevant person.
4. Applications for priority passes by relevant persons must be processed according to standard criteria. The relevant person, if a current member of staff, must not take part in the processing. Award or refusal of a pass to an employee, former employee or their close relative, must be reviewed and approved by a manager who is senior to the relevant person and is not the line manager for the relevant person. Award or refusal of a pass to a Board member must be approved by a manager and a director.
5. LHA must take steps to ensure that the employee registering, or the relevant person registering, is not given information about forthcoming vacant properties earlier than, or which is not made available to, any other person registered with Homehunt Scotland.
6. Should a relevant person bid successfully for a Link property, whether through Homehunt Scotland, EdIndex or the Highland Housing Register, no offer of tenancy may be made until Link Group's Audit Committee has approved the letting. The property, if already vacated by the previous tenant, must be held vacant pending this approval. The property must be prepared to Link's normal relet standard.
7. Should a relevant person bid for a restricted letting as described above, steps must be taken as at 4 in this section to ensure that the second stage assessment and prioritisation are carefully reviewed at a senior level.
8. LHA officials must report a successful bid by a relevant person to the next meeting of Link Group Board. The report should include full details of the registration, the relevant person's connection with Link (employee, Board member, relative) and must certify that the relevant person has been given no advantage or more favourable treatment than is normally available to other people registering.

Board Members must declare an interest when a successful bid for a property by a relevant person is considered by the Link Group Board, and must not take part in discussion or the decision to approve or reject the bid.



## 19. APPENDIX 3 – SUSPENSIONS AND CANCELLATIONS

### Cancellations

Registrants will be removed from our lists in the following circumstances:

- the registrant has requested removal, in writing.
- the death of the registrant.
- the failure of the registrant to confirm his / her interest in remaining on the lists on a regular basis. This will be determined by failure to respond to 2 consecutive reminders or by post being returned.

### Suspension

Registrants will be suspended from consideration for allocations or from eligibility to apply for advertised vacancies for the following reasons and for the periods stated:

REASON	MAXIMUM PERIOD
Refusal of 3 suitable offers of tenancy	1 year
Giving false or misleading information during the application or registration processes	3 years from the date this is made known to Link.
An ASBO has been issued against the applicant / registrant within the previous 2 years	Up to the end of 2 years from the issue date of the most recent ASBO (including any issued following application / registration).
The applicant / registrant has been evicted from a previous property due to anti social behaviour	Up to the end of 2 years from the date of eviction or the issue date of any more recent ASBO (including any issued following application / registration).
The applicant / registrant has been evicted from a previous property due to conviction for criminal offence at or in the vicinity of the property	Up to the end of 3 years from the date of eviction.
The applicant / registrant has a record of illegal use or supply of drugs	Up to 2 years
Registrants or applicants for transfers (existing Link tenants) will be suspended while their rent account is in arrears or rechargeable debts have not been paid	Until a repayment arrangement has been in place and operating properly for 3 months or the debt is less than one month rent
Suspension at the applicant / registrant's request	To be agreed with the applicant / registrant.

NB: Applicable periods shown may be reduced at the discretion of a Housing Manager or Director in exceptional circumstances.

## 20. PRIORITY PASSES

Please note, in this section, "under-occupancy" refers to Link's standard and further information on this is given on page 11, Section 5.5 House Size Eligibility

Priority Pass Type	Level	Pass awarded if:	Statutory Reasonable Preference Group
Homelessness	.	Homelessness passes at any level will only be issued after the registrant has presented for assessment by the local authority homelessness section	
Homelessness	Gold plus	Assessed by local authority in the area where you wish to be housed as statutorily homeless.	Homeless persons and persons threatened with homelessness
Homelessness	Silver	Assessed by local authority in the area where you wish to be housed as unintentionally homeless.	Homeless persons and persons threatened with homelessness
Harassment	Gold	Harassment with actual or threatened or fear of violence. Partnership breakdown with domestic violence. Harassment gold passes will be awarded where there is evidence of significant Police involvement.	Homeless persons and persons threatened with homelessness
Harassment	Silver	Harassment passes may, on occasion, be awarded where there is clear evidence of persistent disturbance or abusive behaviour and there is Police involvement.	Homeless persons and persons threatened with homelessness
Exceptional circumstances	Gold	Relocation pass awarded to tenants in properties in an eligible project for demolition or major renovation. The relocation pass prioritises a single permanent move. Passes will also be awarded to transfer applicants who are currently under-occupying the property, determined by reference to Link's occupancy standards. See policy part 5.5.	Persons who are living under unsatisfactory housing conditions
Exceptional	Bronze	Need to leave your	Persons who are living

circumstances		<p>current home.</p> <p><i>Typical situations would be:</i></p> <p>Tied tenant within three months of end of notice.</p> <p>Notice to leave from landlord.</p> <p>No proper lease - living in house with consent of occupier.</p>	under unsatisfactory housing conditions
Unsatisfactory housing	Silver	<p>Property in severe disrepair or below tolerable standard (BTS).</p> <p><i>Typical situations would be:</i></p> <p>Structural problems</p> <p>Severe rising or penetrating damp</p> <p>Lack of basic amenities</p> <p>Property is exceptionally dirty or in poor condition for reasons outwith the control and responsibility of the applicant.</p> <p>See Appendix 1 for definition of tolerable standard</p>	Occupying houses which do not meet the tolerable standard
Unsatisfactory housing	Bronze	<p>Property meets BTS levels but fails criteria B and/or parts of E of SHQS</p> <p>Applicant under-occupying present accommodation and not a tenant of any company within the Link Group. Under-occupation determined by reference to Link's occupancy standards. See policy part 5.5.</p> <p>Sharing any rooms or cooking, bathing or toilet facilities with one or more people who are not part of the applicant's intended household.</p> <p>Living with parents and / or close family, cannot afford to buy or private rent.</p> <p>Exclusive occupation private rental, difficulty</p>	Persons who are living under unsatisfactory housing conditions

		meeting rent costs.	
Overcrowding		Overcrowding passes are only available to tenants or to members of a household which has outgrown previously suitable accommodation. These passes are not available to registrant households which have moved voluntarily from self contained accommodation to stay with an existing household and have thereby worsened their housing situation. Overcrowding is determined by reference to Link's occupancy standards. See policy part 5.5.	
Overcrowding	Silver	Three or more bed spaces short. Member of household aged 16 or over who does not have their own bedroom.	Persons who are occupying overcrowded houses Persons who have large families
Overcrowding	Bronze	One or two bed spaces short	Persons who are occupying overcrowded houses Persons who have large families
Medical	Gold	Rehousing is essential to allow independent living, or urgent to allow discharge from hospital, or to prevent admission to nursing or residential home, and it is not practical to adapt existing home.	Persons who are living under unsatisfactory housing conditions
Medical	Silver	Rehousing would greatly improve quality of life and/or substantially reduce risk of physical injury, or present home makes essential activities of daily living difficult, and it is not practical to adapt existing home.	Persons who are living under unsatisfactory housing conditions
Medical	Bronze	Requires essential support which cannot be provided in current accommodation and is	Persons who are living under unsatisfactory housing conditions

		due to a medical condition. Due to medical condition your current property does not adequately meet your housing need	
Need to be in community pass		Passes in this category recognise social need within a named community.	
Need to be in community	Silver	Main earner in household requiring to move to maintain employment. Need to move to be nearer family to provide essential support.	Persons who are living under unsatisfactory housing conditions
Need to be in community	Bronze	Need to be closer to amenities and essential services etc, other than on health grounds; Access to children; where you need to move because access to your children is very difficult for practical reasons such as transport.	Persons who are living under unsatisfactory housing conditions

## 21. MUTUAL EXCHANGE AND ASSIGNATIONS

### Mutual Exchanges

A mutual exchange cannot proceed without written approval from Link. Link will confirm the decision with regards to mutual exchange in writing within 28 days of having received a written request. If we fail to do so, this will result in an automatic approval having been given.

A mutual exchange is when a tenant sources another tenant from either a RSL or local authority to exchange properties with.

#### 1. We check:

- Does the tenant have an arrear of more than one month's rent and if so has a repayment arrangement been in place for at least 13 weeks. In exceptional circumstances this restriction may be relaxed – Housing Officer would discuss with Housing Services Coordinator
- If the exchange would result in overcrowding or under-occupancy of Link's property. In exceptional circumstances this restriction may be relaxed – Housing Officer would discuss with Housing Services Coordinator



- If either party has been involved in anti-social behaviour and a Notice of Proceedings for possession has been issued on conduct grounds
  - If there is an order for recovery of possession of the property
  - If the house has been designed or adapted for a person with special needs and this is not required by the other party
2. If at this stage the mutual exchange is not to proceed, we write to our tenant giving details of why this has been refused.
  3. If restrictions don't apply, we arrange to visit our tenant prior to the exchange visit. At this time a property inspection will be done and the tenant notified of any outstanding works to be undertaken by him / her.
  4. We then visit the exchangee. The Property Inspection report must be approved and signed by the exchangee as acceptance of the outstanding works recorded.
  5. We obtain a tenancy reference about the exchangee. If the exchangee reference is returned as unsatisfactory then both parties, must be advised in writing by the Housing Officer within 2 working days that the exchange is unable to proceed. To maintain confidentiality we may be unable to advise as to the full reason for this refusal.

If the exchangee reference is satisfactory the Housing Officer will contact both parties by telephone to agree a date for the exchange to take place. Once a date has been agreed a letter is sent to the exchangee's landlord to confirm.

6. A date should be agreed with both the outgoing and incoming tenant on when the exchange will take place and they should both be informed that the gas servicing will take place that morning. This should be a least 5 days in advance to give time to set up the gas servicing
7. We will also write to our tenant to confirm final approval of exchange and the date and time for the gas safety check.

**\* The key points for mutual exchanges are:**

- a) It will always be a new gas service carried out on Mutual Exchanges unlike normal void properties.
- b) The mutual exchange must not be carried out at the weekend or public holidays
- c) The Housing Officer must always be in attendance when the gas engineer carries out the gas service



- d) If there has been any damage to any gas appliances etc the HO must note this for the CSC to recharge the outgoing tenant.
- e) The request form must be completed and sent to the GST giving them 5 working days notice
- f) Provide an estimated time for the engineer to be there e.g. from 10:00 to 11:00am

## Assignment

Assignment is the transfer of the legal interest in a property, including the rights and obligations of the tenancy agreement to another person. This is covered in Part 2, section 32 of the Housing (Scotland) Act 2001.

### 1. Types of Assignment

#### 1.1 Voluntary Transfer

A tenant can request to assign their tenancy by means of a deed of assignment in line with the following conditions:-

- the request is made in writing
- the proposed assignee has lived in the property as their only or principle home for at least six months prior to the request.
  
- there are no reasonable grounds for refusal e.g.
  - (i) the property would become over or under-occupied
  - (ii) Notice of proceedings has been served on the tenant
  
  - (iii) there are rent arrears outstanding
  - (iv) an ASBO or Interim ASBO has been served on the tenancy
  - (v) the property has been specially adapted

Written permission must be given by Link prior to any assignment. Should we fail to respond to a request for assignment within 28 days of receiving the request, permission is granted by default.

#### 1.2 Court Ordered assignment under the Matrimonial Homes (Family Protection)

*Scotland Act 1981:* In certain circumstances the Court has the power to order the assignment of tenancies, e.g. divorce proceedings, between spouses, former spouses, and couples who are living together or have lived together as husband and wife. In this case Link's permission is not required.

### 2. Implications of Assignment

- The existing tenant ceases to have any rights in relation to the tenancy.



- A new tenancy agreement is not given as the assignee takes on the terms and conditions of the original tenancy as set out in the agreement signed by the original tenant.
- The assignee takes on the “modernised” terms and conditions of Right to Buy, under the Housing (Scotland) Act 2001. This applies even if the tenant who assigned the
- tenancy has a RTB entitlement based on the pre-2001 Housing Act terms and conditions.
- The assignee cannot be held responsible for liabilities under the tenancy prior to the date of assignment, e.g. rent arrears. The original tenant must be pursued.

Assignations are not common and Housing Officers should discuss any case with the Housing Services Coordinator.

### **3. Appeals**

Where an individual has been refused assignation of a tenancy, they may appeal that decision by following the Association’s complaints procedure. However, if the refusal has been within the prescriptions of the Act, the decision cannot be overturned.

## **22. APPENDIX 6 – TRANSFERS**

### **GUIDANCE NOTES**

- Tenant must be registered for Choice Based Lettings and bid for property once advertised. In areas using Homehunt Scotland properties should be advertised with the rider “Preference may be given to Link tenants”. For EdIndex – this will be for “mover” adverts only
- Transfers cannot be approved should they result in an overcrowding situation (unless affected by the new bedroom tax )
- Tenants must have a recognised housing need that would be noticeably improved by transferring, ie medical reasons, overcrowding, under-occupation etc. A priority will be awarded based on need
- Tenant must allow access to carry out a property inspection within 3 days of provisional offer. Tenant must be given clear guidelines as to expected condition of property at termination & recharges applicable if not satisfactory. Tenant must agree that their current accommodation is advertised immediately.



- Rent account must be reviewed & arrangement been maintained for 3 months if there is an arrears balance. Tenant must agree to maintain this arrangement following transfer as debt cannot be transferred to new property account.
- Tenant will not be required to give 28 day notice of termination. In addition, the tenant will be allowed to keep keys to both properties for 3 days to enable the move. They will not be allowed to keep the keys any longer and if they do a lock change will be carried out and the tenant recharged the cost of this.

## **23. APPENDIX 7 – EQUALITIES ASSESSMENT**

Available on request.

## **24. APPENDIX 8 – CONTACTS AND ON-LINE INFORMATION**

### **Link Housing Customer Service Centre [CSC]**

Watling House, Callendar Business Park, Falkirk, FK1 1XR

Tel: 08451 400 100

Fax: 01324 417184

[csc@linkhousing.co.uk](mailto:csc@linkhousing.co.uk)

### **Homehunt Scotland**

[www.homehunt.info](http://www.homehunt.info)

### **EdIndex**

Tel: 0131 529 5080

[www.edinburgh.gov.uk/housingoptions](http://www.edinburgh.gov.uk/housingoptions)

### **Highland Common Housing Register**

Tel: 01349 886602

[www.highland.gov.uk](http://www.highland.gov.uk)

### **Scottish Social Housing Charter**

[www.scotland.gov.uk/resource/0039/00390305.pdf](http://www.scotland.gov.uk/resource/0039/00390305.pdf)

### **Inverclyde Common Housing Register**

Tel: 01475 630 930

<http://www.scottishhousingconnections.org/HA/Inverclyde-Common-Housing-Register/>

### **Scottish Public Services Ombudsman [SPSO]**

Tel: 0800 377 7330

[www.spsso.org.uk](http://www.spsso.org.uk)



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